

## Form 2.7: Tier 2 - Site Specific Review (Version 1.5, 2-1-15)

Pursuant to 24 CFR 58.35(a)

**Responsible Entity:** New Jersey Department of Community Affairs, Charles Richman, Commissioner

**Agency Name** DCA

**Date of Application Submittal to DEP** 2015-11-19

**CDBG-DR Program** RREM LMI

**Application ID Number** LMI0001673

**PAMs\_PIN Number** 0237\_62\_2

**Grant Number** B-13-DS-34-0001

**Applicant Name** Ronald (First) Ray (Last)

**Project Location** 9 East 4th Street, (Street Address)

Moonachie Borough (Municipality) Bergen (County) NJ (State)

62 (Block) 2 (Lot)

### Project Description

The proposed activity is reconstruction of the single-unit residential structure at the address listed above. The structure is a mobile home. The structure will not be relocating to another parcel. The structure was damaged as a result of Superstorm Sandy. The structure was constructed in (date of construction not available). The existing structure would be demolished and replaced with a new single-unit residential structure. The lowest occupied floor of the new structure would be elevated at least 1 foot above the highest applicable 100-year flood level determined using the best available data. All activities would be limited to the disturbed area of the previously developed lot. Pre-award and pre-application activities are limited to work completed within the same footprint of the damaged structure.

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### Finding of Tier 2 Review

☒ The proposed activity conditionally complies with environmental requirements for funding.

☐ The proposed activity does not comply with environmental requirements for funding because:

☐ A finding cannot be made without:

## Site Specific Findings - 1. Historic Preservation

(36 CFR Part 800)

### A. No SHPO/Tribal Review or Notification Required

*The historic preservation review must be concluded for both above ground resources (left column) and archaeological resources (right column)*

Above Ground Resources	Archaeological Resources
<input checked="" type="checkbox"/> Project area is located entirely within a mapped “green zone” where there is low potential for above-ground historic properties as identified jointly by FEMA and NJHPO windshield surveys. If yes, concurrence was provided for: Town: <i>Moonachie Boro</i> Date: <i>3/4/2013</i> HPO project #: <i>13-0609-1</i> <b>(Above Ground Review concluded)</b>	<input type="checkbox"/> Project affects only previously disturbed soils as defined in the Programmatic Agreement. Meets Tier I PA Allowance I as listed in Appendix B of the PA <b>(Archaeological Review concluded)</b> <input type="checkbox"/> Project area is located on a Barrier Island and does not have any of the exceptions listed in Tier II Programmatic Allowance I in Appendix B of the Programmatic Agreement. <b>(Requires SOI qualified professional)</b> Name of SOI qualified professional: <b>(Archaeological Review concluded)</b>

☐ Project activity is not located entirely within a mapped “green zone”, but is a building less than 48 years of age, not within a historic district, and the project activity will not involve reconstruction or elevation. Meets Tier I PA Allowance specified in Stipulation II.A, Appendix B of the PA **(Review concluded)**

<input type="checkbox"/> Project area is not located entirely within a mapped “green zone”, but is comprised entirely of an activity listed in the other Tier I or Tier II Programmatic Allowance in Appendix B of the Programmatic Agreement.  <input type="checkbox"/> Activity meets Tier I Programmatic Allowance #  <input type="checkbox"/> Activity meets Tier II Programmatic Allowance # <b>Requires SOI qualified professional</b> Name of SOI qualified professional: <b>(Above Ground Review concluded)</b>	<input checked="" type="checkbox"/> Project area substantially conforms to the original footprint and is comprised entirely of an activity listed in the other Tier I or Tier II Programmatic Allowances in Appendix B of the Programmatic Agreement.  <input type="checkbox"/> Activity meets Tier I Programmatic Allowance #  <input checked="" type="checkbox"/> Activity meets Tier II Programmatic Allowance # <i>VII.A.1</i> <b>Requires SOI qualified professional</b> Name of SOI qualified professional <i>Heather Crawl, MA, RPA</i> <b>Archaeological Review concluded</b>
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## B. National Historic Landmark

☐ Activity meeting Programmatic Allowances involves a National Historic Landmark.

☐ NJHPO and National Park Service NHL Program Manager notified and provided appropriate project documentation

☐ **No Adverse Effect Determination.**

Are project conditions required?

☐ N/A

☐ No **(Review Concluded)**

☐ Yes. Attach conditions. **(Review Concluded)**

☐ **Adverse Effect Determination.**

(NJ HPO concurrence on file)

☐ Mitigation not possible. **(APPLICATION CANNOT PROCEED)**

☐ Resolution of Adverse Effect completed.

☐ MOA on file

Are project stipulations required?

☐ N/A

☐ No **(Review Concluded)**

☐ Yes. Attach conditions. **(Review Concluded)**

**C. Standard Project Review: SHPO/Tribal Consultation Required**

☐ Proposed activity does not involve a NHL and does not meet the above programmatic allowances for both above-ground and archaeological considerations, and requires Section 106 review of the entire undertaking (Standard Project Review under Stipulation II.C. of the Programmatic Agreement).

☐ List any tribes or other consulting parties who were notified or consulted for this undertaking:

☐ No above ground Section 106-defined historic properties in Area of Potential Effects. **No Historic Properties Affected Determination.** NJHPO concurrence on file. **(Above Ground Review Concluded)**

☐ Individual historic properties or historic districts are located within the Area of Potential Effects.

☐ **No Historic Properties Adversely Affected Determination** (NJHPO concurrence on file)

Are project conditions required?

☐ N/A

☐ No **(Above Ground Review Concluded)**

☐ Yes. Attach Conditions **(Above Ground Review Concluded)**

☐ **Adverse Effect Determination** (NJ HPO concurrence on file)

☐ Mitigation not possible. **(APPLICATION CANNOT PROCEED)**

☐ Resolution of Adverse Effect completed.

☐ Standard Treatment Measure(s) listed in Appendix C of PA applied, (NJ HPO concurrence on file.)

☐ Separate MOA on file

Are project stipulations required?

☐ N/A

☐ No **(Above Ground Review Concluded)**

☐ Yes. Attach Conditions **(Above Ground Review Concluded)**

☐ Consultation conducted with NJ HPO and project area assessed as not having potential for NRHP-eligible archaeological resources.

☐ Project area assessed as having low potential for archaeological resources

☐ **No Historic Properties Affected Determination** (NJ HPO/THPO concurrence or consultation on file). **(Archaeological Review Concluded)**

☐ Project area has been field assessed for presence of archeological resources

☐ No archaeological materials identified in Area of Potential Effects.

☐ **No Historic Properties Affected Determination** (NJ HPO/THPO concurrence or consultation on file). **(Archaeological Review Concluded)**

☐ Archaeological materials identified in Area of Potential Effects through consultation or fieldwork.

☐ **No Historic Properties Adversely Affected Determination** (NJ HPO/THPO concurrence on file) Are project conditions required?

☐ N/A

☐ No **(Archaeological Review Concluded)**

☐ Yes. Attach conditions. **(Archaeological Review)**

☐ **Adverse Effect Determination** (NJ HPO/THPO concurrence on file)

☐ Mitigation not possible. **(APPLICATION CANNOT PROCEED)**

☐ Resolution of Adverse Effect completed.

☐ Standard Treatment Measure(s) listed in Appendix C of PA applied, (NJ HPO concurrence on file.)

☐ Separate MOA on file

Are project stipulations required?

☐ N/A

☐ No **(Archaeological Review Concluded)**

☐ Yes. Attach stipulations. **(Archaeological Review Concluded)**

Comments:

## 2. Floodplain Management and Flood Insurance

(EO 11988, 24 CFR Part 55, and 24 CFR 58.6)

The proposed site is (check only one of the following):

☐ Not in a 100-year floodplain (A and V zones). Attach appropriate floodplain map showing site location.  
(Complies with EO 11988, 24 CFR Part 55, and 24 CFR 58.6. Analysis complete.)

☐ In a 100-year floodplain (A and V zones) and not in a National Flood Insurance Program (NFIP) participating community. Attach appropriate floodplain map showing site location. **Does not comply** with EO 11988, 24 CFR Part 55, and 24 CFR 58.6 because required flood insurance is not obtainable. (Analysis complete.)

**The following municipalities in the 9 most impacted counties are not NFIP participating communities: Cliffside Park Boro, Englewood Cliffs Boro, Alpine Boro, Union City, Shrewsbury Twp., Freehold Boro, Winfield Twp.**

☒ In a 100-year floodplain (A and V zones) and in an NFIP-participating community. Are the existing structure and the proposed activity in a floodway?

☐ N/A

☐ Yes. **Does not comply** with EO 11988, 24 CFR Part 55, and 24 CFR 58.6. Attach appropriate floodplain map showing site location. (Analysis complete)

☒ No. The activity requires the following type of FHACA permit:

☒ Permit-by-rule (PBR) (No submission to or approval from NJDEP Land Use Regulation Program required.)

☐ General permit (GP)

☐ Individual permit (IP)

Please provide any additional comments.

### 3. Wetlands Protection

(EO 11990 and Clean Water Act, especially Section 404)

Are there coastal or freshwater wetlands on or adjacent to the subject property?

☐ N/A

☐ No. There are no wetlands on or within 150 feet of the subject property. Attach appropriate wetland map. (Analysis complete)

☒ Yes. Would (Did) the activity affect the wetlands?

☒ No. Outside wetlands and no effect on wetlands. Explain why wetlands would not be (were not) affected and attach appropriate wetland map. **Compliance met.** (Analysis complete)

*A desktop review of the GIS and field data indicates mapped/potential Wetlands are located approximately 140 feet southeast of the edge of the parcel (roughly 145 feet from the structure). If the structure stays within the existing footprint or the structure is relocated farther away from the wetland, using best management practices, there should be no adverse impact on the wetlands and no wetland permit or transition area waiver is required. If the existing structure is located within a transition area, it should not be relocated closer to the wetland. In addition, if the existing structure is located outside a transition area, it should not be relocated to a transition area.*

☐ Yes. Possible adverse effect associated with new construction (includes reconstruction) in wetlands.

☐ 8-step process complete?

☐ N/A

☐ No. The 8-step decision-making was not completed. **Activity not in compliance.**

☐ Yes. The 8-step decision-making process was completed.

☐ **Activity in compliance** with EO 11990 and the Clean Water Act. Explain basis for conclusion and describe the permitting process and mitigation measures. Attach supporting documentation. (Analysis complete).

☐ **Activity not in compliance** with EO 11990 and the Clean Water Act. Explain basis for conclusion. Attach supporting documentation (Analysis complete).

Please provide any additional comments.

## 4. Coastal Zone Management Act

### (Sections 307 (c), (d))

Is the site in the Coastal Area Facility Review Act (CAFRA) zone; the Upland Waterfront Development area or the New Jersey Meadowlands District?

☐ N/A

☐ No. Attach map (Analysis complete)

☒ Yes. (Go to section corresponding to applicable area below)

☒ **Site is within the New Jersey Meadowlands District** (Project requires consistency determination from the NJ Meadowlands Commission if structure is over 3 units and the activity includes reconstruction or elevation. If the activity is rehabilitation without elevation of a structure over 3 units, a consistency determination is not required). Attach map. (Analysis complete)

☐ **Site is within the Coastal Area Facility Review Act (CAFRA) boundary**

**A.** Is the proposed or completed structure within the previous footprint of the building?

☐ N/A



☐ Yes. Project is not regulated and therefore, consistent with CZM. Attached documentation. (Analysis complete)

☐ No. Go to B in this section.

**B.** Is the residential structure containing less than 25 dwelling units located more than 150 feet from the mean high waterline of a tidal water or the inland limit of a beach or dune, whichever is more landward?

☐ N/A

☐ Yes. Project is not regulated and therefore, consistent with CZM. Attach documentation. (Analysis complete)

☐ No. Go to C in this section.

**C.** Is the residential structure of less than 3 dwelling units behind intervening development? Note that intervening development means there is a development between the site and the mean high water line.

☐ N/A

☐ Yes. Project is not regulated and therefore, consistent with CZM. Attach documentation. (Analysis complete)

☐ No. Coastal permit required. What type of coastal permit is required?

☐ PBR (No submission to or approval from NJ DEP, Division of Land Use Regulation required.)

☐ GP

☐ IP

☐ **Site is within the Upland Waterfront Development Area.**

**A.** Is the structure located within the existing footprint of the building?

☐ N/A

☐ Yes. Project is not regulated and therefore, consistent with CZM. Attached documentation. (Analysis complete)

☐ No. Coastal permit required. What type of coastal permit is required?

☐ PBR (No submission to or approval from NJ DEP, Division of Land Use Regulation required.)

☐ GP

☐ IP

Please provide any additional comments.

*Subject Property is within the New Jersey Meadowlands District, however, projects consisting of repair, reconstruction or construction of one-, two- and three-family homes OR the repair of an existing structure (residential or non-residential), do not require a zoning certificate from the New Jersey Meadowlands Commission and, therefore, will not require a consistency determination.*

## 5. Sole Source Aquifers

(40 CFR Part 149)

Not applicable. Compliance determined in tier 1 environmental assessment.

## 6. Endangered Species Act

(16 USC 1531 et seq., 50 CFR Part 402)

Based on desktop review, could the proposed activity affect piping plovers or red knots?

☒ No. Explain finding and attach map. (Analysis complete)

*Piping Plovers, Red Knots, and critical habitat are not located in the project area as seen in the attached map.*

☐ Yes. Check the appropriate box or boxes

☐ Piping plovers

☐ Red knots

#### 6.A Piping plovers

Based on examination by an ENSP biologist of additional information regarding the site and current piping plover nesting activity and habitat conditions, it has been determined that (check only one of the following):

- ☐ Piping plovers would not be affected by any eligible activity on the previously developed portions of the site. Explain finding and attach supporting documentation. (Analysis complete)
- ☐ Piping plovers may be affected by the proposed activity. Consultation with USFWS is required.

Consultation with USFWS resulted in a determination that (check only one of the following):

- ☐ The proposed activity including appropriate measures to avoid adverse impacts, would not adversely affect piping plovers. Explain how this conclusion was reached. Describe required mitigation measures. Attach supporting documentation. Activity is in compliance. (Analysis complete)
- ☐ The proposed activity would adversely affect the piping plover. Explain how this conclusion was reached. Attach supporting documentation. Activity is not in compliance. (Analysis complete)

#### 6B. Red knots

Based on examination by an ENSP biologist of additional information regarding the site, it has been determined that (check only one of the following):

- ☐ Red knots would not be affected by any eligible activity on the previously developed portions of the site. Explain finding and attach supporting documentation. (Analysis complete)
- ☐ Red knots may be affected by the proposed activity. Consultation with USFWS is required.

Consultation with USFWS resulted in a determination that (check only one of the following):

- ☐ The proposed activity including appropriate measures to avoid adverse impacts, would not adversely affect red knots. Explain how this conclusion was reached. Describe required mitigation measures. Attach supporting documentation. Activity is in compliance. (Analysis complete)
- ☐ The proposed activity would adversely affect the red knot. Explain how this conclusion was reached. Attach supporting documentation. Activity is not in compliance. (Analysis complete)

#### Comments

*Additionally, per recent guidance received from the US Fish and Wildlife Service, further review was conducted to assess the proposed activity for potential impacts to northern long eared and Indiana bat species or their designated critical habitat. Results from the USFWS iPaC landscape explorer tool did not indicate that either of these bat species should be considered as part of an effect analysis for this project (see iPaC Report). Therefore, the proposed activity is in compliance.*

## 7. Wild & Scenic Rivers Act

(Sections 7(b), (c))

Not applicable. Compliance determined in tier 1 environmental assessment.

## 8. Air Quality

**(Clean Air Act, Sections 176 (c) & (d), & 40 C.F.R. Part 6, 51, & 93)**

Not applicable. Compliance determined in tier 1 environmental assessment.

## **9. Farmland Protection Policy Act**

**(7 C.F.R. Part 658)**

Not applicable. Compliance determined in tier 1 environmental assessment.

## **10. Environmental Justice**

**(E.O. 12898)**

Not applicable. Compliance determined in tier 1 environmental assessment.

## **11. Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances**

**(24 CFR Part 58.5(i)(2))**

Do any of the following apply to the subject property?

- (1) Property is within 3000 feet of a hazardous waste facility that handles hazardous materials or toxic substances.
- (2) Property is within 3000 feet of a landfill, hazardous waste or solid waste cleanup site.
- (3) Property is listed on a State or Federal hazardous waste sites data base.
- (4) During site reconnaissance of subject property and adjoining properties, inspector observed recognized environmental conditions (RECs).

Note any obstacles to identification of RECs (Examples: soil piles, household debris, snow cover, no access to backyard)

☐ No. Attach map showing absence of sites of concern within 3000 feet of subject property, and explain that no RECs have been observed during site reconnaissance. (Analysis complete)

☒ Yes. Attach map indicating the presence of hazardous sites of concern within 3000 feet of the subject property. Without submittal of specific site assessment information (ASTM phase 1 ESA, phase 2 ESA, vapor intrusion investigative study or NJDEP generated site specific information), the hazardous site of concern will be considered as not being in compliance with HUD's 24 CFR 58.5(i)(2) site contamination regulation and Phase I Threshold policy. If this information exists it must be submitted to NJDEP for review. Explain why the hazardous sites of concern and/or RECs are or are not a threat to the subject property.

*Site reconnaissance revealed an above ground storage tank on the proposed HUD-assisted project site. See attached photos (0237\_62\_2\_EA\_AST\_1 and 0237\_62\_2\_EA\_AST\_2) and table listing detailed AST information. The tank is ancillary to the operation of the single unit residence on the project site and appears to be in*

operable condition. Therefore, it is not an AST of concern and is not subject to the regulation 24 CFR Part 51 Subpart C. Site reconnaissance also revealed several PVC pipes on the side of the home that are connected to a well and UST on the adjacent parcel. However, there were no indications of site contamination (soil staining, odors, stressed vegetation, etc.) associated with the AST or pipes. Therefore, no visible RECs were observed in the vicinity of the potential HUD project that would conflict with the intended use of the property or health and safety of the occupants. During project activities, the contractor should take all required precautions to ensure that the AST, well, underground piping, and UST are either avoided or removed according to pertinent local and state requirements. The parcel is within the 3,000 ft. radius of a "threatening" site. The site is called DOVER DIESEL SERVICE CORP. The Site ID number is 19257. The site has been cleared by NJDEP (see attached correspondence dated 12/2/15) and is no longer considered threatening to the subject property. Sites that were previously determined by NJDEP to be "non-threatening" to the potential HUD project may not be depicted on the map. The parcel is NOT listed on a State or Federal Hazardous Waste sites database.

Additional Comments:

## 12. Siting of HUD-Assisted Projects near Hazardous Operations

### (24 CFR Part 51, Subpart C)

Would (Did) the proposed activity increase the number of dwelling units of the housing structure that existed on the site prior to Superstorm Sandy?

☒ **No. In compliance.** Identify source of information. (Analysis complete)

*The proposed action is in compliance with 24 CFR Part 51 Subpart C. As a result of this proposed action, the number of dwelling units on the proposed action site would not increase.*

☐ Yes. Would the modified structures be (are the modified structures) less than the acceptable separation distance (ASD) from a stationary aboveground storage tank (AST) that is within 1 mile of the subject property and holds an explosive or combustible substance? Note: ASTs of 100 gallons or less that hold

☐ **No. In compliance.** Explain finding. (Analysis complete)

☐ Yes.

Describe the information used in calculating the Acceptable Separation Distance (ASD) and attach a map showing the location of the tank relative to the subject property.

Describe any feasible mitigation measures per 24 CFR 51.205, or other verifiable information that is pertinent to compliance with the ASD standard. If no mitigation measures are feasible the activity is **not in compliance** with the applicable HUD environmental standard, 24 CFR Part 51C.

Please provide any additional comments.

### 13. Coastal Barrier Resource Act/Coastal Barrier Improvement Act

(24 CFR 58.6(c))

Not applicable. Compliance determined in Tier 1 environmental assessment.

### 14. Airport Clear Zones and Accident Potential Zones

(24 CFR Part 51, Subpart D)

Is the activity site in one of the three Ocean County municipalities containing the accident potential zones associated with the Lakehurst component of Joint Base McGuire-Dix-Lakehurst: Jackson Township, Manchester Township, or Lakehurst Borough?

☐ N/A

☒ No. (Analysis complete)

☐ Yes. Is the activity site in an accident potential zone associated with the Lakehurst component of Joint Base McGuire-Dix-Lakehurst?

☐ No. Identify source of information. (Analysis complete)

☐ Yes. Identify source of information and attach Accident Potential Zone map. Select one of the following:

☐ Under 24 CFR 51.302 and 303(b), activities of the type proposed are fundable in accident potential zones at Lakehurst. If required, attach documentation of HUD determination. (Analysis complete)

☐ Under 24 CFR 51.302 and 303(b), activities of the type proposed are not fundable in accident potential zones at Lakehurst. The proposed activity cannot be funded. Attach documentation of HUD determination. (Analysis complete)

Please provide any additional comments.

## **15. Fish and Wildlife Coordination Act**

**(16 U.S.C. 661-666c)**

Not applicable. Compliance determined in Tier 1 environmental assessment.

## **16. Magnuson-Stevens Fishery Conservation and Management Act**

**(16 U.S.C. 1801 et seq.)**

Not applicable. Compliance determined in Tier 1 environmental assessment.

## **Conditions for Approval**

The following mitigation measures are required as conditions for approval of the project:

### **General**

1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.
2. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.

### **Historic Preservation**

3. All activities must comply with Section 106 of the National Historic Preservation Act per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement among the Federal Emergency Management Agency, the New Jersey State Historic Preservation Officer, the New Jersey State Office of Emergency Management, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans, as signed onto by the New Jersey Department of Community Affairs.
4. In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform FEMA immediately and FEMA will consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to

ensure that the project is in compliance with the National Historic Preservation Act (NHPA).

## **Floodplain Management and Flood Insurance**

5. All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).

6. All structures funded by the RREM Program and the Small Rental Properties Program, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program. In the nine counties included in the RREM and Small Rental Properties Programs, this includes the following municipalities in the following counties:

- Bergen County: Alpine Borough, Cliffside Park Borough, and Englewood Cliffs Borough
- Hudson County: Union City
- Monmouth County: Freehold Borough and Shrewsbury Township
- Union County: Winfield Township

7. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

8. In the case of “Coastal High Hazard” areas (“V” or “VE” Zones on the latest (most recent) FEMA-issued Maps), adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop, review or approve, per the associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 CFR 60.3(e) as required by HUD Regulation 24 CFR 55.1(c)(3).

## **Wetlands Protection and Water Quality**

9. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters.

10. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.

## **Noise**

11. Outfit all equipment with operating mufflers

12. Comply with the applicable local noise ordinance

## **Air Quality**

13. Use water or chemical dust suppressant in exposed areas to control dust

14. Cover the load compartments of trucks hauling dust-generating materials

15. Wash heavy trucks and construction vehicles before they leave the site

16. Reduce vehicle speed on non-paved areas and keep paved areas clean

17. Retrofit older equipment with pollution controls

18. Establish and follow specified procedures for managing contaminated materials discovered or generated during



construction

19. Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material

20. Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:

- a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);
- b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);
- c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and
- d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).

(Note: One or two family dwellings and dwellings of six or less family units, one of which is owner occupied, are exempt pursuant to NJSA 26:2C-9.2.)

21. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and “3-minute idling” limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).

22. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).

23. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

## **Hazardous Materials**

24. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:

- National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
- National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
- NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials
- New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.

25. Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).

26. All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.

27. All residential structures must be free of mold attributable to Superstorm Sandy.

28. Radon testing and/or mitigation, as described below, is required for structures not in one of the following categories:

- Structures in municipalities NJDEP classifies as having low radon potential

- Structures with unenclosed air space between the entire lowest floor and the ground
- Structures that have been evaluated by a radon professional and found to require neither testing nor mitigation to ensure that radon is below the standards of 4 picocuries per liter of air and 0.02 working levels, based on a physical inspection of the property, the characteristics of the buildings, and other valid criteria. The radon professional must meet the qualifications in the HUD Office of Multifamily Development Radon Policy, available at <http://portal.hud.gov/hudportal/documents/huddoc?id=13-07ml.pdf>, and must be a certified radon mitigation specialist under NJAC 7:28-27.

Reconstructed homes that are not in one of these three exempt categories must incorporate the radon-resistant construction techniques listed in NJAC 5:23-10.4. Homes to be rehabilitated that are not in one of the exempt categories must be tested for radon in accordance with accepted standards and the certification requirements in NJAC 7:28-27, and the testing must be documented. If the radon level is below the standards of 4 picocuries per liter of air and 0.02 working levels, no further action is required. If the radon level is at or above either of the standards, radon mitigation measures must be implemented and the home must be retested to ensure that radon levels below the standards have been achieved.

29. Comply with all laws, regulations, and industry standards applicable to aboveground and underground storage tanks, including the New Jersey underground storage tank regulations at NJAC 7:14B.

30. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.

## **Sole Source Aquifers**

31. Comply with all laws, regulations, and industry standards.

32. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood

33. The total impervious area of a parcel must not be increased significantly. In general, an increase in impervious area of more than 30% will be considered significant. The threshold of significance may be greater than 30% for parcels on which the current impervious area is unusually low, and may be less than 30% for parcels on which the current impervious area is unusually high.

## **Wild and Scenic Rivers**

34. Comply with any conditions specified by NJDEP and the National Park Service for protection of the Great Egg Harbor River and Menantico Creek, designated Wild and Scenic Rivers.

## **Finding**

### **Project Specific Conditions:**

*Wetlands: A desktop review of the GIS and field data indicates mapped/potential Wetlands are located approximately 140 feet southeast of the edge of the parcel (roughly 145 feet from the structure). If the structure stays within the existing footprint or the structure is relocated farther away from the wetland, using best management practices, there should be no adverse impact on the wetlands and no wetland permit or transition area waiver is required. If the existing structure is located within a transition area, it should not be relocated closer to the wetland. In addition, if the existing structure is located outside a transition area, it should not be relocated to a transition area.*

*Floodplains: If the footprint of the building is not increased by more than 300 square feet; the expansion or relocation of the lowest floor of the building is reconstructed or elevated to at least one foot above the flood hazard area design flood elevation; and the building is not expanded or relocated closer to any regulated water or within a floodway, the project qualifies for FHA PBR N.J.A.C. 7:13-7.2(a)3. If the building is to be relocated, it must be located in an area where previous disturbance occurred.*

*Toxics: During project activities, the contractor should take all required precautions to ensure that the AST, well, underground piping, and UST are either avoided or removed according to pertinent local and state requirements.*

Property Address:

9 East 4th Street, Moonachie Boro, NJ 07074 :: Block: 62 Lot: 2

☒ Proposed activity complies with environmental requirements for funding.

☐ Proposed activity does not comply with environmental requirements for funding.

Juliet Jacobs, URS

2015-12-08 17:57:29

LMI0001673

Preparer Agency and Name

Completion Date

Application ID Number